

Appl. No. 10/679,423
Amendment in response to
Office Action mailed 04/04/2005

REMARKS

In the Office Action mailed 04/04/2005, the Examiner required election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The examiner indicated that claim 1 appears to be generic. Applicant confirms the provisional election of species I, claims 1-14 and 23 with traverse.

The Examiner objected to the Abstract, which has been amended. The Examiner also required that certain claimed features, as claimed in claims 17-22, be shown in the drawings or the claims canceled. Such claims have been canceled.

In the Office Action mailed 04/04/2005, the Examiner rejected claim 1 under 35 U.S.C. 102(b) as anticipated by Johnson U.S. patent no. 3,358,819; rejected claim 1 under 35 U.S.C. 102(b) as anticipated by Char U.S. patent no. 5,833,057; rejected claims 2-4 and 23 under 35 U.S.C. s. 103(a) as unpatentable over Johnson '819; rejected claims 1-8, 12-14 and 23 under 35 U.S.C. s. 103(a) as unpatentable over Schumacher U.S. Patent no. 4,917,238 in view of Char '057 and further in view of Johnson '819 with respect to claims 2-4, 6-7 and 23; rejected claims 9 and 11 under 35 U.S.C. s. 103(a) as unpatentable over Schumacher '238 in view of Char '057 and further in view of Heckal U.S. patent no. 6,080,350; and rejected claim 10 under 35 U.S.C. s. 103(a) as unpatentable over Schumacher '238 in view of Char '057 and further in view of Diehl U.S. patent no. 4,571,232. Claims 1, 3, 4 and 8-12 have been amended. Claims 15-24 have been canceled. New claims 25-30 have been added. It is submitted that the presently-submitted claims are patentable over the prior art of record.

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Johnson U.S. patent no. 3,358,819 discloses a container for a corsage which comprises a base tray for receiving the corsage, an open bottom transparent cover which fits over the base tray and an open bottom opaque cardboard cover which fits over the transparent cover to protect it during shipping. The transparent cover seals the corsage within the space between the transparent cover and the base (column 2, lines 38-45, Fig. 1-3) so the Johnson container is unsuitable for archival preservation of wedding dresses and the like which require air circulation. Thus Johnson does not anticipate and indeed teaches away from the claimed archival kit which requires that the containing box permit air circulation when closed.

Char U.S. patent no. 5,833,057 discloses an apparatus for packaging and shipping biological fluid samples collected in vials. Due to the nature of the infectious biological fluids it is important that the container not leak. It has a shipping carton 12 which surrounds and protects a shipping container 14, within which the vials are held. The shipping container seals with a fluid-tight seal (column 3, lines 15-28, column 5, lines 10-17, Fig. 4, column 6, lines 10-13, Fig. 4). The Char container is therefore unsuitable for archival preservation of wedding dresses and the like which require air circulation. Thus Char does not anticipate and indeed teaches away from the claimed archival kit which requires that the containing box permit air circulation when closed.

Schumacher U.S. Patent no. 4,917,238 discloses a kit for cleaning up infected body substances. The contents of the kit are initially contained within a box 12 but after cleaning and disinfecting the area of the infected body substance the materials are sealed in a plastic bag and disposed of (column 4, lines 41-44) and are not stored in the box 12. Thus one skilled in the art of archival preservation would not look to Schumacher for teachings in archival preservation.

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Diehl U.S. patent no. 4,571,232. discloses a foldable carton having a pre-fitted interior wrapping for use in merchandise packaging where a sales clerk wraps items selected by a customer and encloses them in a carton. The purpose of the Diehl carton is to provide a neat and tidy package for merchandise sold in a retail store (column 1, lines 53-56). The carton is formed of cardboard stock and adhesive is used (column 3, lines 39-48) so the carton is not intended for archival preservation. One skilled in the art of archival preservation would not look to Diehl for teachings in archival preservation.

The present applicant has discovered a new combination of elements which is particularly effective for archival preservation of textile articles such as wedding dresses. By forming an unsealed box of corrugated plastic, air circulation is permitted and the container does not react negatively with the contents over time. By providing a fabric cover, protection from dust and light is provided without inhibiting the air circulation. None of the cited art, alone or in combination, would motivate the person skilled in the art to make such a combination or suggest the claimed combination. Johnson and Char teach away from the claimed archival kit as they require sealing the contents of the container as an essential feature. One skilled in the art of archival preservation would not look to Schumacher or Diehl for teachings in archival preservation as they relate to non-analogous art unrelated to archival storage.

Claim 1 as amended and new claim 26 therefore, it is submitted, are patentable over the prior art. Claims 3-14 and 25-30, being dependent from an allowable independent claim, are similarly patentable, it is submitted. Issuance of a Notice of Allowance is therefore respectfully requested.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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 October 4, 2005